

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

OTIS MCCRAY

PLAINTIFF

V.

NO. 4:09CV106-A-D

FRED MOORE, et al.

DEFENDANTS

FINAL JUDGMENT

The plaintiff, proceeding pro se, filed this complaint pursuant to 42 U.S.C. § 1983. Following an evidentiary hearing, the Magistrate Judge submitted a report recommending a verdict for the plaintiff on his excessive force claim and awarding \$200.00 in damages. The plaintiff has filed objections to the report and recommendation asking for the imposition of punitive damages.

Based on the findings of the Magistrate Judge, there is no proof that would substantiate an additional award or an award of punitive damages. *See Smith v. Wade*, 461 U.S. 30, 103 S. Ct. 1625, 75 L. Ed. 2d 632 (1983) (punitive damages may be awarded for malicious, reckless or wanton conduct). The court finds that for reasons stated in the Report and Recommendation dated February 16, 2011, the plaintiff's objections are not well taken.

THEREFORE, it is hereby ORDERED that

(1) the plaintiff's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

(2) the Report and Recommendation (docket entry 36) is APPROVED and ADOPTED as the opinion of this court;

(3) JUDGMENT is entered in favor of Plaintiff against Fred Moore and Larry Terry in the amount of \$200.00 plus the costs of court; and

(4) this matter is CLOSED.

SO ORDERED, this the 23rd day of March, 2011.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE